

AKIMA-DTSV 23 MAR 2005**PATENT****UNITED STATES PATENT AND TRADEMARK OFFICE**
(Case No. MBHB04-105 (400/146))

IN THE APPLICATION OF:

McSwiggen, *et al.*

Serial No. 10/783,128

Filed: February 20, 2004

Title RNA Interference Mediated
Treatment of Polyglutamine (PolyQ)
Repeat Expansion Diseases Using
Short Interfering Nucleic Acid (siNA)

Examiner: To Be Assigned

Group Art Unit: 1614


Confirmation No.: 2611

Fax No.: (703) 746-9195

TRANSMITTAL LETTERMail Stop OIPE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450Attn: Office of Initial Patent Examination's
Filing Receipt Corrections

Dear Sir:

- In regard to the above identified application,
- We are transmitting herewith the attached:
 - Request for Corrected Filing Receipt;
 - Copy of an Updated Filing Receipt with changes noted thereon;
 - Copy of page 1 of Specification as filed
 - Supplemental Application Data Sheet
 - Copy of Decision on Petition under 37 CFR 1.10
 - With respect to fees:
 - It is believed no fee is due at this time.
 - GENERAL AUTHORIZATION:** Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
 - CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 (Fax No. (703) 746-9195) on March 22, 2005.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLPDate: March 20, 2005By: 
Anita J. Terpstra, P.L.D.
Registration No. 47,132

McDonnell Boehnen Hulbert & Berghoff LLP

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. MBHB04-105 (400/146))

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Title RNA Interference Mediated
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Examiner: To Be Assigned

Group Art Unit: 1614

Confirmation No.: 2611

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REQUEST FOR CORRECTED FILING RECEIPT

Mail Stop OIPE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Office of Initial Patent Examination's
Filing Receipts Corrections

- Attached is a copy of an updated filing receipt received from the PTO in the above-referenced application for which issuance of a new corrected filing receipt is respectfully requested.
- There is an error with respect to the following data, which is incorrectly entered.
Error in
Domestic Priority data as claimed by applicant
This application is a CIP of 10/757,803 01/14/2004
which is a CIP of 10/720,448 11/24/2003
which is a CIP of 10/693,059 10/23/2003
which is a CIP of 10/444,853 05/23/2003

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FAX (312) 913-0002

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APPLICATION NO. 10/783,128
ATTORNEY DOCKET NO. MBI1B04-105 (400/146)

and is a CIP of 10/652,791 08/29/2003
which is a CIP of 10/422,704 04/24/2003 ABN
which is a CIP of 10/417,012 04/16/2003 ABN
This application 10/783,128
is a CIP of PCT/US03/05346 02/20/2003
and is a CIP of PCT/US03/05028 02/20/2003
which claims benefit of 60/358,580 02/20/2002
and claims benefit of 60/363,124 03/11/2002
and claims benefit of 60/386,782 06/06/2002
and claims benefit of 60/406,784 08/29/2002
and claims benefit of 60/408,378 09/05/2002
and claims benefit of 60/409,293 09/09/2002
and claims benefit of 60/440,129 01/15/2003
This application 10/783,128
is a CIP of 10/427,160 04/30/2003
and is a CIP of PCT/US02/15876 05/20/2002

Correct Data

Domestic Priority data as claimed by applicant:

This application is a CIP of 10/757,803 01/14/2004
which is a CIP of 10/720,448 11/24/2003
which is a CIP of 10/693,059 10/23/2003
which is a CIP of 10/444,853 05/23/2003
and is a CIP of 10/652,791 08/29/2003
which is a CON of 10/422,704 04/24/2003 ABN
which is a CON of 10/417,012 04/16/2003 ABN
This application 10/783,128
is a CIP of PCT/US03/05346 02/20/2003

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APPLICATION NO. 10/783,128
ATTORNEY DOCKET NO. MBHB04-105 (400/146)

and is a CIP of PCT/US03/05028 02/20/2003
and said PCT/US03/05346 02/20/2003
claims benefit of 60/358,580 02/20/2002
and said PCT/US03/05028 02/20/2003
claims benefit of 60/358,580 02/20/2002
and said PCT/US03/05346 02/20/2003
claims benefit of 60/363,124 03/11/2002
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APPLICATION NO. 10/783,128
ATTORNEY DOCKET NO. MBHB04-105 (400/146)

claims benefit of 60/440,129 01/15/2003
This application 10/783,128
is a CIP of 10/427,160 04/30/2003
and is a CIP of PCT/US02/15876 05/17/2002

3. In the priority claim of the originally-filed specification of the instant application USSN 10/783,128, U.S. Application Serial Number 10/422,704 was listed as a "continuation" of U.S. Application Serial Number 10/652,791 (see page 1 of original specification attached as Appendix A). However, the Application Data Sheet filed with USSN 10/783,128 had USSN 10/422,704 listed as a "continuation-in-part" of 10/652,791. Applicants respectfully request that the priority claim be corrected to recite that USSN 10/422,704 is a "continuation" of USSN 10/652,791 as recited in the specification as filed.

In the original priority claim of USSN 10/783,128, U.S. Application Serial Number 10/417,012 was listed as a "continuation" of U.S. Application Serial Number 10/422,704 (see Appendix A). However, the Application Data Sheet filed with USSN 10/783,128 had USSN 10/417,012 listed as a "continuation-in-part" of 10/422,704. Applicants respectfully request that the priority claim be corrected to recite that USSN 10/417,012 is a "continuation" of USSN 10/422,704 as recited in the specification as filed.

4. In connection with this request, Applicant is submitting a Supplemental Application Data Sheet to reflect the correct priority claim recited in the specification as filed.
5. In addition, Applicant requests correction of the filing date of PCT/US02/15876. Applicant is submitting a copy of the Decision on Petition Under 37 CFR 1.10 received from the Patent Office, in which the PTO grants Applicant's Petition to

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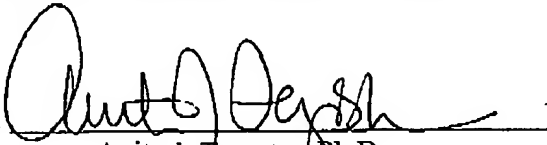
APPLICATION NO. 10/783,128
ATTORNEY DOCKET NO. MB11B04-105 (400/146)

correct the filing date of PCT/US02/15876 to "May 17, 2002". Applicant notes that in view of the corrected filing date, Applicant's data is consistent with the PTO records.

6. Applicant believes that no fee is due in connection with this filing, however, if a fee is due, the Commissioner is authorized to charge our deposit account number 13-1249.

Respectfully submitted,
McDonnell, Bochnen, Hulbert & Berghoff LLP

Date: March 22, 2005

By: 
Anita J. Terpstra, Ph.D.
Registration No. 47,132

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(400/146)

**RNA INTERFERENCE MEDIATED TREATMENT OF POLYGLUTAMINE
(POLYQ) REPEAT EXPANSION DISEASES USING SHORT INTERFERING
NUCLEIC ACID (siNA)**

This application is a continuation-in-part of U.S. Patent Application No. 10/757,803, filed January 14, 2004, which is a continuation-in-part of U.S. Patent Application No. 10/720,448, filed November 24, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/693,059, filed October 23, 2003, which is a continuation-in-part of U.S. Patent Application No. 10/444,853, filed May 23, 2003 and a continuation-in-part of 10/652,791, filed August 29, 2003, which is a continuation of 10/422,704, filed April 24, 2003, which is a continuation of U.S. Patent Application No. 10/417,012, filed April 16, 2003. This application is also a continuation-in-part of International Patent Application No. PCT/US03/05346, filed February 20, 2003, and a continuation-in-part of International Patent Application No. PCT/US03/05028, filed February 20, 2003, both of which claim the benefit of U.S. Provisional Application No. 60/358,580 filed February 20, 2002, U.S. Provisional Application No. 60/363,124 filed March 11, 2002, U.S. Provisional Application No. 60/386,782 filed June 6, 2002, U.S. Provisional Application No. 60/406,784 filed August 29, 2002, U.S. Provisional Application No. 60/408,378 filed September 5, 2002, U.S. Provisional Application No. 60/409,293 filed September 9, 2002, and U.S. Provisional Application No. 60/440,129 filed January 15, 2003. This application is also a continuation-in-part of US Patent Application No. 10/427,160, filed April 30, 2003 and International Patent Application No. PCT/US02/15876 filed May 17, 2002. The instant application claims the benefit of all the listed applications, which are hereby incorporated by reference herein in their entireties, including the drawings.

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Field Of The Invention

The present invention concerns compounds, compositions, and methods for the study, diagnosis, and treatment of diseases and conditions associated with polyglutamine repeat (polyQ) allelic variants that respond to the modulation of gene expression and/or activity. The present invention also concerns compounds, compositions, and methods relating to diseases and conditions associated with polyglutamine repeat (polyQ) allelic

Express Mail No. EV334704069US



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/783,128	02/20/2004	1614	549	MBHB04-105 (400.146)	24	31	1

CONFIRMATION NO. 2611

020306

MCDONNELL BOEHNNEN HULBERT & BERGHOFF LLP
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32ND FLOOR
CHICAGO, IL 60606

UPDATED FILING RECEIPT



OC000000014127073

Date Mailed: 10/19/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

James McSwiggen, Boulder, CO;

Assignment For Published Patent Application

Sima Therapeutics, Inc., Boulder, CO

which is a CON of 10/422,704 04/24/2003 ABN
which is a CON of 10/417,012 04/16/2003 ABN

Power of Attorney: The patent practitioners associated with Customer Number 020306

Domestic Priority data as claimed by applicant

This application is a CIP of 10/757,803 01/14/2004
which is a CIP of 10/720,448 11/24/2003
which is a CIP of 10/693,059 10/23/2003
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claims benefit of 60/409,293 09/09/2002
and said PCT/US03/05346 02/20/2003
claims benefit of 60/440,129 01/15/2003

This application 10/783,128
is a CIP of 10/427,160 04/30/2003
and is a CIP of PCT/US02/15876 05/20/2002 * 05/17/2002
(*Data provided by applicant is not consistent with PTO records.)

Foreign Applications

If Required, Foreign Filing License Granted: 07/15/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/783,128**

Projected Publication Date: 01/27/2005

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

RNA interference mediated treatment of polyglutamine (polyQ) repeat expansion diseases using short interfering nucleic acid (siNA)

Preliminary Class

514

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

27 JAN 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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www.uspto.gov

Stephen H. Doctor
MCDONNELL BOEHNEN HULBET & BERGHOFF
300 South Wacker
Suite 3200
Chicago, IL 60606

In re Application of: :
SIRNA THERAPEUTICS, INC. :
PCT No.: PCT/US02/15876 : DECISION ON PETITION
International Filing Date: 17 May 2002 : UNDER 37 CFR 1.10
Priority Date: 18 May 2001 :
Attorney's Docket No.: 02-312-PCT;600.019 :
For: CONJUGATES AND COMPOSITIONS FOR :
CELLULAR DELIVERY :

This decision is issued in response to the "Petition To Accord Express Mail 'Date In' As Filing Date" filed 03 August 2004, treated herein under 37 CFR 1.10(c). The petition seeks to correct the international filing date to 17 May 2002. No petition fee is required.

BACKGROUND

Applicant initiated this international application by filing a Request (Form PCT/RO/101) and accompanying materials via "Express Mail" label number EL602855817US. The transmittal letter filed with the application materials lists this "Express Mail" label number, and identifies the date of deposit as 17 May 2002.

On 20 June 2002, the RO/US mailed a "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) identifying 20 May 2002 as the international filing date.

On 03 August 2004, applicant filed the petition considered herein. The petition seeks correction of the international filing date to 17 May 2002, the date on which applicant claims the application was deposited with the USPS. The submission includes, among other materials, a copy of the customer receipt for Express Mail label number EL602855817US, which bears a "date in" of 17 May 2002.

DISCUSSION

The present international application was accorded an international filing date of 20 May 2002. Applicant asserts that the proper international filing date is 17 May 2002, the date on which the Express Mail envelope containing the application materials was deposited with the USPS. As noted above, applicant has supplied a copy of the customer receipt for the Express

Application No. PCT/US02/15876

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Mail envelope bearing a "date in" of 17 May 2002, and the Express Mail label number for this envelope was identified on the transmittal letter filed with the application papers. In addition, the USPTO Express Mail database identifies 17 May 2002 as the date on which this Express Mail envelope was accepted by the USPS.

Based on applicant's statements, the Express Mail database acceptance date of 17 May 2002, and the 17 May 2002 "date in" entered by the USPS on the Express Mail label, it is concluded that the present application was deposited as "Express Mail" with the USPS on 17 May 2002. Accordingly, pursuant to 37 CFR 1.10(c), the international filing date is appropriately corrected to 17 May 2002.

CONCLUSION

Applicant's petition for correction of the international filing date is **GRANTED**.

The international filing date is corrected to 17 May 2002. The "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) mailed 20 June 2002, which identified 20 May 2002 as the international filing date, is hereby **VACATED**.

A corrected "Notification Of The International Application Number And Of The International Filing Date" (Form PCT/RO/105) which correctly identifies the international filing date as 17 May 2002 is issued herewith. Copies of this decision and the corrected Form PCT/RO/105 will be forwarded to the International Bureau.

This application is being forwarded to the RO/US for further processing in accordance with this decision.



Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

PCT

NOTIFICATION OF THE INTERNATIONAL
APPLICATION NUMBER AND OF THE
INTERNATIONAL FILING DATE

(PCT Rule 20.5(e))

To: STEPHEN H. DOCTER MCDONNELL BOEHNNEN HULBERT & BERGHOFF SUITE 3200 CHICAGO, ILLINOIS 60605		Date of mailing (day/month/year) 27 JAN 2005	
Applicant's or agent's file reference 02-312-PCT;600.019		IMPORTANT NOTIFICATION	
International application No. PCT/US02/15876	International filing date (day/month/year) 17 May 2002	Priority date (day/month/year) 18 May 2001	
Applicant SIRNA THERAPEUTICS, INC.			
Title of the invention CONJUGATES AND COMPOSITIONS FOR CELLULAR DELIVERY			

1. The applicant is hereby notified that the international application has been accorded the international application number and the international filing date indicated above.

2. The applicant is further notified that the record copy of the international application:

- ☒ was transmitted to the International Bureau on 20 June 2002
- ☐ has not yet been transmitted to the International Bureau for the reason indicated below and a copy of this notification has been sent to the International Bureau*:
- ☐ because the necessary national security clearance has not yet been obtained.
- ☐ because (reason to be specified):

* The International Bureau monitors the transmittal of the record copy by the receiving Office and will notify the applicant (with Form PCT/IB/301) of its receipt. Should the record copy not have been received by the expiration of 14 months from the priority date, the International Bureau will notify the applicant (Rule 22.1(c)).

3. FOREIGN TRANSMITTAL LICENSE INFORMATION

Completed by: JM

- ☐ Additional license for foreign transmittal not required. This subject matter is covered by a license already granted or the equivalent U.S. national application. Refer to that license for information concerning its scope.
- ☐ License for foreign transmittal not required. 37 CFR 5.11(b)(1) or 37 CFR 5.11(c)(2). However, a license may be required for additional subject matter. See 37 CFR 5.15(b).
- ☒ Foreign transmittal license granted. 35 U.S.C. 184; 37 CFR 5.11 on 15 June 2002 ;
(date)
- ☐ 37 CFR 5.15(a) ☒ 37 CFR 5.15(b)

Name and mailing address of the receiving Office
Mail Stop PCT, Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450
Facsimile No. 703-305-3230

Authorized officer
Richard Ross *RR*
Telephone No. 571-272-3296

Form PCT/RO/05 (July 1992)

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